

### **REMARKS/ARGUMENTS**

Claims 1 and 3-8 are pending in the Application. By this Amendment, claim 1 is being amended to improve its form. No new matter is involved.

In Paragraph 1 on page 2 of the Office Action, claim 1 is objected to because of an error in the last line thereof. In response, Applicants are amending claim 1 to correct such error.

In Paragraph 3 which begins on page 2 of the Office Action, claim 1 is rejected on the combination of U.S. Patent 6,052,347 of Miyata in view of U.S. Patent 6,404,712 of Lee. In Paragraph 4 which begins on page 4 of the Office Action, the combination of Miyata and Lee is combined with U.S. Patent 6,134,209 of Den Beof in rejecting claims 3-5 under 35 U.S.C. § 103(a) as being unpatentable. In Paragraph 5 on page 5 of the Office Action, claim 6 is rejected as unpatentable over the combination of Miyata and Lee and further in view of U.S. Patent 5,321,679 of Horiguchi. In Paragraph 6 on page 6 of the Office Action, claim 7 is rejected as unpatentable over Miyata, Lee and Horiguchi, and further in view of JP 58164059 A of Inaba. In Paragraph 7 which begins on page 6 of the Office Action, claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata, Lee and Horiguchi and further in view of U.S. Patent 4,788,672 of Toyooka et al.

With regard to the combination of Miyata and Lee, Miyata is said to disclose the claimed invention except for the lead-out region and the trial writing region disposed outside of the lead-out region. Lee is said to show such features, and the combination of Lee with Miyata is said to be obvious.

Applicants respectfully traverse the rejection of claims 1 and 3-8 on the combination of Miyata and Lee, taken alone or in combination with the other references. None of the cited references show a trial writing region that is located

outside of the lead-out region. Miyata shows a lead-out region, but the trial writing regions are located next to the data recording area. Therefore, it is clear that the trial recording areas are located inside of the lead-out region. Lee shows a peripheral area located outside of the lead-out region, but does not disclose or suggest writing of any data in the peripheral area.

Claim 1 defines a laser output circuit for an optical disk recording apparatus, includes a pickup control circuit, a signal recording circuit, a signal level detection circuit and a laser output setting circuit. Test data is written onto a trial writing region on an inner peripheral side of the optical disk and onto an outer peripheral region outside a data writing region. The written test data is read from the disk and the laser output is set in accordance with the signal levels of the test data read from both the trial writing region and the outer peripheral region. The trial writing region, a buffer region, a lead-in region, a program region, and a lead-out region are disposed in order from the inner peripheral side of the optical disk toward the outer peripheral side, and the outer peripheral region is disposed outside of the lead-out region. In accordance with claim 1, "test data is written onto or read from the trial writing region disposed on the innermost peripheral side of said optical disk and the trial writing region disposed outside of the lead-out region".

As discussed above, none of the cited references show a trial writing region that is located outside of the lead-out region. Therefore, claim 1 is submitted to clearly distinguish patentably over the attempted combination of Miyata and Lee. Similar comments apply to claims 3-8 which depend, directly or indirectly, from and contain all of the limitations of claim 1. The addition of references such as Den Boef, Horiguchi, Inaba and Toyooka in rejecting such claims does not overcome the basic deficiencies of Miyata and Lee.

Appl. No. 10/040,177  
Amdt. Dated April 29, 2005  
Reply to Office Action of March 23, 2005

Attorney Docket No. 81784.0245  
Customer No.: 26021

In conclusion, claims 1 and 3-8 are submitted to clearly distinguish patentably over the prior art for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: April 29, 2005

By: 

John P. Scherlacher  
Registration No. 23,009  
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Phone: 213-337-6700  
Fax: 213-337-6701